

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

Of Counsel:
FUKUNAGA MATAYOSHI HERSHEY & CHING, LLP

JAN 13 2006

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at 2 o'clock and 30 min. P.M.
SUE BEITIA, CLERK

Attorneys for Plaintiff GERLING
AMERICA INSURANCE COMPANY

JAN 12 2006

CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII


GERLING AMERICA INSURANCE)	CIVIL NO. 04-00642 (ACK) (KSC)
COMPANY,)	(Declaratory Judgment)
))
Plaintiff,)	STIPULATION FOR DISMISSAL
)	WITH PREJUDICE OF ALL CLAIMS
vs.)	AND ALL PARTIES AND ORDER
))
NAURU PHOSPHATE ROYALTIES)	
DEVELOPMENT (HONOLULU),)	
INC., a Delaware corporation;)	
NAURU PHOSPHATE ROYALTIES)	
(HONOLULU), INC., a Delaware)	
corporation, DILLINGHAM)	
CONSTRUCTION PACIFIC, LTD.)	Trial Date: January 24, 2006
doing business as HAWAIIAN)	Judge: The Honorable Alan C. Kay
DREDGING CONSTRUCTION)	
COMPANY, a Hawaii corporation,)	
)	
Defendants.)	
)	

STIPULATION FOR DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND ALL PARTIES

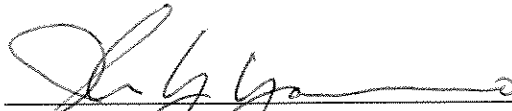
Plaintiff GERLING AMERICA INSURANCE COMPANY and
Defendants NAURU PHOSPHATE ROYALTIES DEVELOPMENT
(HONOLULU), INC. and NAURU PHOSPHATE ROYALTIES (HONOLULU),
INC., by and through their attorneys, hereby stipulate to dismissal with prejudice
of all claims in this action, pursuant to Rule 41(a)(1)(ii), Federal Rules of Civil
Procedure and LR 10.4, Local Rules of Practice for the U.S. District Court for the
District of Hawaii.

Each party shall bear its own attorneys' fees and costs with respect to
the claims being dismissed by this stipulation. Defendant DILLINGHAM
CONSTRUCTION PACIFIC, LTD. dba HAWAIIAN DREDGING
CONSTRUCTION COMPANY, did not answer or otherwise appear in this action,
and there are no other parties remaining in the case.

DATED: Honolulu, Hawaii, JAN 12 2006.



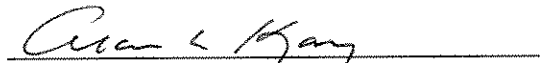
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Attorneys for Plaintiff GERLING AMERICA
INSURANCE COMPANY



JOHN Y. YAMANO

Attorney for Defendants Nauru Phosphate
Royalties Development (Honolulu), Inc. and
Nauru Phosphate Royalties (Honolulu), Inc.

APPROVED AND SO ORDERED:


Judge of the Above-Entitled Court

*Gerling America Insurance Company v. Nauru Phosphate Royalties Development
(Honolulu), Inc., et al., Civil No. CV 04-00642 (ACK) (KSC); STIPULATION
FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND ALL PARTIES
AND ORDER*